

Serial No.: 09/787,594

REMARKS

Claims 51, 54, 81 and 82 are presently under consideration in the application as a result of a further restriction requirement.

I. REJECTIONS OF CLAIMS 51, 54, 81 AND 82 UNDER 35 USC §103(a)

Claim 51 stands rejected under 35 USC §103(a) based on *Kubo et al.* in view *Eichenlaub*. Remaining claims 54 and 81-82 stand rejected under 35 USC §103(a) based on *Kubo et al.* in view *Eichenlaub*, and further in view of *Handschy et al.* Applicants respectfully traverse each of these rejections for at least the following reasons.

Applicants note that *Kubo et al.* and the present application are commonly assigned to Sharp Kabushiki Kaisha and were commonly assigned at the time of the invention. Since *Kubo et al.* qualifies as prior art only under one or more of subsections (e), (f), and (g) of §102, *Kubo et al.* does not preclude patentability of the present invention under 35 USC §103(c).

More specifically, applicants note that §35 USC §103(c) applies with respect to applications filed after November 29, 1999. The present application was filed on March 20, 2001, and therefore §35 USC §103(c) would apply. On the other hand, the present application claims priority back to the PCT application filed on September 22, 1999.

Kubo et al. was filed on July 27, 1998 and issued as a patent on February 27, 2001. Since the present application claims priority back to the PCT application filed on September 22, 1999, *Kubo et al.* would qualify as prior art only under one or more of subsections (e), (f), and (g) of §35 USC §102. Therefore, applicants hereby overcome *Kubo et al.* as a reference by noting the fact that the inventions were commonly owned.

In view of the inapplicability of *Kubo et al.* as a reference, there is no basis for even a prima facie case of obviousness under §35 USC §103. Withdrawal of the rejections is respectfully requested.

Serial No.: 09/787,594

II. CONCLUSION

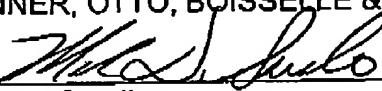
Accordingly, all claims are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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